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DEPARTMENT *of* ELECTIONS

OFFICIAL GUIDANCE

Original Issue Date: February 22, 2021

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RE: Alternate Petition Form - Electronic

Earlier this year, the Richmond City Circuit Court ordered the Department of Elections (ELECT) to develop an electronic petition form for use by candidates as part of the qualification requirements for statewide office and for the Democratic nomination of candidates for the House of Delegates, respectively, during the 2021 election cycle. *See Goldman v. Virginia Department of Elections; Adeli v. Virginia Department of Elections.*

This Official Guidance will answer questions regarding the use of these electronic petition forms (ELECT-506/521(E)).

The first twelve (12) answers in this Official Guidance are provided as of the date listed above. As ELECT continues to receive questions regarding this process, we will add answers to this Official Guidance and note the date new answers are added. This document will be posted on ELECT's website for easy reference and updated as necessary.

Question 1: Who can use the electronic petition forms?

Answer: Any 2021 candidate for Governor, Lt. Governor, and Attorney General (statewide candidates) may use the electronic petition form designed for statewide candidates. Any 2021 candidate for the House of Delegates Democratic primary may use the electronic petition form for the appropriate office.

NOTE: Additional lawsuits may be filed to expand the types of candidates able to utilize electronic petition forms.

Question 2: How may candidates distribute the electronic petition form to voters?

Answer: Candidates, candidate committees, or parties may put the electronic petition form on their website as a download, email the form to a voter, or provide a hard copy of the form to a voter.

Question 3: How may voters sign the electronic petition form?

Answer: Once the voter has a copy of the electronic petition form, they may sign by:

1. Adding a digital copy of their physical signature;
2. Printing the document, signing it physically, and scanning it;
3. Using a signature software program;
4. Typing their name on the signature line and the name line; or
5. Adding their signature electronically or physically to a hard copy that is provide to the campaign.

NOTE: The last four (4) digits of the petition signer's Social Security number (SSN4) are required on an electronic petition form. If the petition signer does not include the last four (4) digits of their Social Security number (SSN4) on an electronic petition form, the petition page will be determined invalid. If



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the petition signer signs a physical petition form in the presence of a petition circulator as prescribed under Va. Code §§ 24.2-506 or 24.2-521, the petition signer is not required to supply the last four (4) digits of their Social Security number (SSN4).

Question 4: How do statewide candidates submit the petition pages to ELECT?

Answer: Statewide candidates may submit the petition pages in one of two ways:

1. By printing or otherwise providing physical copies and submitting according to the requirements of Va. Code §§ 24.4-506 or 24.2-522, as applicable; or
2. By submitting electronic copies through an upload function in the candidate's committee account in COMET (ELECT's campaign finance information system) as a PDF file.

NOTE: The ability to submit through COMET is still under technical development by ELECT, and instructions for this method are forthcoming.

Question 5: How do statewide candidates comply with Va. Code § 24.2-522, which requires a written statement as to the number of signatures included in the submission when submitting electronically through COMET?

Answer: ELECT has provided a form (ELECT-522(C)(E)) for candidates to use for this purpose. The form is available on ELECT's website for download. Each separate electronic submission of petition pages must be accompanied by this form. The form can be completed and added as the first page of each electronic submission. For example:

1. If a candidate is making a submission of 1,000 petition pages, this form must be included in the pdf as page 1; or
2. If a candidate is making an electronic submission of one (1) petition page, this form must be included in the pdf as page 1.

NOTE: Only statewide candidates in a primary are required to submit form (ELECT-522(C)(E)). This form (ELECT-522(C)(E)) is not required for Democratic candidates for a primary for the House of Delegates or for statewide candidates who do not seek the nomination of the Democratic or Republican parties.

Question 6: When will the ability to upload petitions into COMET be ready?

Answer: ELECT is currently developing that functionality. We will alert the campaigns as soon as it is available.

Question 7: How will the State Board of Elections/ELECT determine priority of time of filing in order to determine the order in which candidates' names will appear on the primary ballot as required by Va. Code § 24.2-529?

Answer: There are two methods by which candidates can submit the required petitions and other paperwork. This answer will look at each method individually, then describe how they interact to determine time of filing. The filing period opens at 12:00 p.m. on Monday, March 8, 2021, and closes at 5:00 p.m. on Thursday, March 25, 2021 for Democratic House of Delegate candidates and statewide candidates seeking nomination via primary. The filing period is currently open and ends at 7:00 p.m. on Tuesday, June 8, 2021 for independent candidates for statewide office.

- Filing physical forms at the ELECT office:



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- Any candidate physically present at ELECT's office at the time the filing period opens will be considered to have filed simultaneously at noon on March 8.
- If more than one candidate for a particular office files simultaneously, the order of candidates on the ballot will be determined by lot by the State Board of Elections.
- ELECT staff will provide the candidate or a representative of the candidate with a form indicating being in line prior to noon to be presented at the time the paperwork is processed.
- The candidate or a representative of the candidate must be at ELECT's office when the filing period opens at noon in order to be considered as being in line at noon. If the candidate received the petition form prior to noon, leaves the office, then returns at a time after the filing period opens, that candidate's time of filing will be the time at which they returned.
- Security at the Washington Building requires everyone to provide picture identification to enter the building. If a candidate is planning to file in person, please make sure to arrive in time to allow processing by security staff.
- Masks or other face coverings must be worn at all times while in the public areas of the Washington Building.
- Filing electronic petition forms electronically through COMET:
 - The petition upload functionality is being designed in COMET so that when the user hits the "submit" button, the time of filing is time-stamped by the system at that time regardless of how long it takes the file to upload.
 - Users will be able to see in the candidate record that the file was submitted.
 - ELECT will notify campaigns as soon as the ability to submit the files is available.

NOTE: Regardless of filing method, all necessary paperwork including the Declaration of Candidacy, receipt for primary filing fee, and at least the minimum number of signatures required for the office must be filed in order to have the filing considered "complete." For example, if a statewide candidate seeking to be nominated via primary submits 1,000 statewide petition signatures at 12:00 p.m. on March 8, but does not submit the remaining 1,000 required statewide petition signatures until March 9, that candidate's time of filing will be the time of submission on March 9.

Question 8: How will ELECT provide the electronic petitions that have been submitted through COMET to the appropriate party chairs?

Answer: ELECT will extract all of the electronically-submitted files of electronic petitions, combine those electronic petitions into a packet if there is more than one file submitted, and provide those electronic petitions as an electronic file to the appropriate party chair.

Question 9: Can campaigns create their own electronic petition form or must they use the ELECT-506/521(E)?

Answer: Campaigns cannot create their own electronic petition form. It must be the form from the Department of Elections.

Question 10: Do campaigns have to link to the specific PDF on ELECT's website or may they incorporate the ELECT-506/521(E) into their own campaign website?



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Answer: Campaigns may link to the specific PDF on ELECT’s website or may incorporate the ELECT-506/521(E) into their own campaign website.

Question 11: May the petition signer provide a name that is substantially different than their name in the Virginia voter registration system?

Answer: A petition signer may omit their first name but must include a combination of first or middle initials or a middle and last name and address that match a qualified voter within Virginia’s voter registration system. Additionally, the signer may provide a derivative of their legal name, e.g., “Bob” instead of “Robert.”

Question 12: What candidate information is required to be provided on the electronic petition form?

Answer: All information requested in the “Candidate Information” section is required.